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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,984	04/27/2001	Patrick J. MeLampy	050115-1040	1357

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EXAMINER
COFFY, EMMANUEL

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/844,984	MELAMPY ET AL.
	Examiner	Art Unit	
	Emmanuel Coffy	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2001*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-53* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *27 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the application filed on 27 April, 2001. Claims

1-53 are pending. Claims 1-53 are directed to a method for a "System and

Method for Assisting in Controlling Real-Time Transport Protocol Flow Trough

Multiple Networks via screening."

Priority

2.   Applicant's claim for domestic priority under 35 U.S.C. 120 is

acknowledged. However, Applicant has not complied with one or more

conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120

as follows:

The later-filed application must be an application for a patent for an

invention which is also disclosed in the prior application (the parent or original

nonprovisional application or provisional application); the disclosure of the

invention in the parent application and in the later-filed application must be

sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112.

See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32

USPQ2d 1077 (Fed. Cir. 1994).

Claim Objections

3.   Claims 6,12, 18, 25 and 31 are objected to because of the following minor

informalities. Appropriate correction is required.

Above claims are dependent claims, which depend on 1 and 20 respectively. A

claim that depends from a dependent claim should not be separated by any claim

that does not also depend from said dependent claim. It should be kept in mind

that a dependent claim may refer to any preceding independent claim. In general

applicant's sequence will not be changed. See MPEP §608.01(n).

4.   Claim 3 is objected to because it does not end with a period.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claim 3, 4, 5, 10, 11, 22, 23 24, 28, 29, 30,39, 40, 41, 45, 46, and 47 are

rejected under 35 U.S.C. §112 ¶2, as being indefinite for failing to particularly

point out and distinctly claim the subject matter which applicant regards as the

claimed invention. A reasonable artisan skilled in the art could not comprehend

the claims as written. The claims recite: "more specific address" or "less specific

address." This terminology is undefined within the claim language. It is not clear

what the boundary of the claims is. Hence, the scope of the claims is

unascertainable. The above-mentioned claims are specifically rejected;

furthermore any other claims that use the same amorphous language is rejected

for the same reason.

        However, in order to expedite a more complete examination the Examiner

asserts that this invention is understood as: "a destination address or origin

address."

6.   Any claim that depends on above rejected claims is rejected due to its

dependency on said claims.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-12; 17-31; 36-48; 53 directed to a system and method are

rejected under 35 USC 102(e) as being anticipated by Kaczmarczyk et al. (US

6,775,269).

        Kaczmarczyk teaches a method for routing a telephone call originating at

a first network that utilizes a first signaling protocol to a termination in a second

network that uses a second signaling protocol including receiving a service

request associated with a calling party from the first network and translating the

service request. (See abstract).

Claim 1:

        Kaczmarczyk teaches the inevention as claimed including a system for

screening a real-time transport protocol route prior to comparing said route to a

local policy, comprising:

        a transceiver; (inherent See Fig 1.) (A transceiver is a device that

transmits and receives signals; on LANs a transceiver is the device that connects

a computer to the network – the Internet includes LANs).

        software stored therein defining functions to be performed by said system;

and (inherent: a computer does not operate without software)

a processor configured by said software to perform the steps of, (inherent:

it is understood that software configures the processor to perform a specific

task).

determining if route information received by said transceiver is from an

external source or an internal source; (See col. 7, lines 40-55).

if said route information is from an external source, performing a first

internal screen of said route information, wherein a destination address defined

by said received route information is compared to a local destination address

defined by said first internal screen, and (See col. 7 line 65 through col. 8, line 8).

if said route information is from an internal source, performing a second

internal screen of said route information, wherein an origin address defined by

said received route information is compared to a local origin address defined by

said second internal screen. (See col. 7 line 65 through col. 8, line 8).

Claim 2:

Kaczmarczyk teaches the inevention as claimed including the system of

claim 1, wherein said processor is further configured by said software to perform

the step of discarding said received route information, if said destination address

defined by said received route information does not match said local destination

address defined by said first internal screen. (See col. 14, lines 56-67).

Claim 3:

Kaczmarczyk teaches the invention as claimed including the system of

claim 1, wherein said processor is further configured by said software to perform

the step of, determining whether said destination address defined by said

received route information or said local destination address defined by said first

internal screen is a destination address, if a portion of said destination address

defined by said received route information matches a portion of said local

destination address defined by said first internal screen. (See col. 14, lines 9-19).

Claim 4:

Kaczmarczyk teaches the invention as claimed including the system of

claim 3, wherein said processor is further configured by said memory to perform

the step of, keeping said local destination address defined by said first internal

screen and discarding said destination address defined by said received route

information, if said local destination address defined by said first internal screen

is not the destination address defined by said received route information. (See

col. 14, lines 56-67).

Claim 5:

Kaczmarczyk teaches the invention as claimed including the system of

claim 3, wherein said processor is further configured by said software to perform

the step of, storing said destination address defined by said received route

information for future comparison to a local policy, if said local destination

address defined by said first internal screen is a not the destination address

defined by said received route information. (See col. 7, lines 58-64).

Claim 6:

Kaczmarczyk teaches the invention as claimed including the system of

claim 1, wherein the format of said destination address is conformed to E.164

style addresses, Internet style addresses, SIP telephone addresses or non-SIP

telephone addresses. (See col. 10, lines 1-3; Table 2; col. 5, lines 57-58).

Claim 7:

     Kaczmarczyk teaches the invention as claimed including the system of

claim 1, wherein said processor is further configured by said software to perform

the step of, storing said received route information for future comparison to a

local policy, if said received route information does not have said origin address.

(See col. 7, lines 58-64).

Claim 8:

     Kaczmarczyk teaches the invention as claimed including the system of

claim 1, wherein said processor is further configured by said software to perform

the step of discarding said received route information if said origin address

defined by said received route information does not match said local origin

address defined by said first internal screen. (See col. 14, lines 56-67).

Claim 9:

     Kaczmarczyk teaches the invention as claimed including the system of

claim 1, wherein said processor is further configured by said software to perform

the step of, determining whether said origin address defined by said received

route information or said local origin address defined by said first internal screen

is a more specific origin address, if a portion of said origin address defined by

said received route information matches a portion of said local origin address

defined by said first internal screen. (See col. 13, lines 39-55).

Claim 10:

Kaczmarczyk teaches the invention as claimed including the system of

claim 9, wherein said processor is further configured by said software to perform

the step of, keeping said local origin address defined by said first internal screen

and discarding said origin address defined by said received route information, if

said local origin address defined by said first internal screen is a more specific

origin address than said origin address defined by said received route

information. (See col. 7, lines 40-64).

Claim 11:

Kaczmarczyk teaches the invention as claimed including the system of

claim 9, wherein said processor is further configured by said software to perform

the step of, storing said origin address defined by said received route information

for future comparison to a local policy, if said local origin address defined by said

first internal screen is a less specific origin address than said origin address

defined by said received route information. (See col. 7, lines 40-64 and col. 17,

line 29-30).

Claim 12:

Kaczmarczyk teaches the invention as claimed including the system of

claim 1, wherein said processor is further configured by said software to perform

the step of, reading a received carrier attribute provided by said received route

information, wherein said received carrier attribute describes a source of said

received route information, prior to comparing said received route information to

said local policy. (See col. 12, lines 16-25).

Claim 17:

Kaczmarczyk teaches the invention as claimed including the system of

claim 12, wherein said processor is further configured by said software to

perform the step of, discarding said received route information prior to comparing

said received route information to said local policy, if a received carrier cost,

defined by said received carrier attribute, does not match a local carrier cost.

(See col. 17, lines 44-46, and col. 12, lines 16-25).

Claim 19:

Kaczmarczyk teaches the invention as claimed including the system of

claim 1, wherein said route information is provided within a telephony routing

over Internet protocol (TRIP) update message. (See col. 5, lines 29-33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 13-16, 32-35, 49-52 are rejected under 35 U.S.C. §103(a) as being

unpatentable over Kaczmarczyk et al. (US '269) in view of Elliott et al. (US

6,754,181.)

Kaczmarczyk teaches the invention substantially as claimed including

routing a telephone call and screening said call before routing it. (See abstract).

<u>Claim 13</u>:

Kaczmarczyk teaches the system of claim 12, wherein said processor is further configured by said software to perform the step of, discarding said received route information prior to comparing said received route information to said local policy, if a received carrier name, defined by said received carrier attribute, does not match a local carrier name.

Kaczmarczyk teaches a screening process including an error table to handle when a mismatch occurs. Kaczmarczyk does not explicitly disclose a carrier name. However, Elliott specifically discloses a carrier name at col. 113, lines 30-42. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the screening system taught by Kaczmarczyk with the carrier name disclosed by Elliott.

This is necessary so that the carrier gets the royalty earned in providing a specific service. Thus, claim 13 is rejected.

<u>Claim 14</u>:

Kaczmarczyk teaches the system of claim 12, wherein said processor is further configured by said software to perform the step of, discarding said received route information prior to comparing said received route information to said local policy, if a received carrier days of availability, defined by said received carrier attribute, does not match a local carrier days of availability.

Kaczmarczyk teaches a screening process; Kaczmarczyk does not explicitly disclose a carrier days of availability. However, Elliott specifically discloses recording days in the context of routing a call at col. 270, lines 1-67.

Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the screening system taught by Kaczmarczyk with recording days of availability disclosed by Elliott.

This is necessary so that an exact bill is generated. Thus, claim 14 is rejected.

Claim 15:

Kaczmarczyk teaches the system of claim 12, wherein said processor is further configured by said software to perform the step of, discarding said received route information prior to comparing said received route information to said local policy, if a received carrier hours of availability, defined by said received carrier attribute, does not match a local carrier hours of availability.

Kaczmarczyk teaches a screening process; Kaczmarczyk does not explicitly disclose a carrier hours of availability. However, Elliott specifically discloses recording hours in the context of routing a call at col. 270, lines 1-67. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the screening system taught by Kaczmarczyk with recording hours of availability disclosed by Elliott. This is necessary so that an exact bill is generated. Thus, claim 15 is rejected.

Claim16:

Kaczmarczyk teaches the system of claim 12, wherein said processor is further configured by said software to perform the step of, discarding said received route information prior to comparing said received route information to

said local policy, if a received carrier time of availability, defined by said received carrier attribute, does not match a local carrier time of availability.

Kaczmarczyk teaches a screening process; Kaczmarczyk does not explicitly disclose a carrier hours of availability. However, Elliott specifically discloses recording hours in the context of routing a call at col. 270, lines 1-67. Hence, it would have been obvious at the time of the invention for an artisan of ordinary skill in the art to use the screening system taught by Kaczmarczyk with recording time disclosed by Elliott. This is necessary so that an exact bill is generated. Thus, claim 16 is rejected.

Claims 17-53

These claims do not teach or define any significantly new limitations above and beyond claims 1-12 (rejected under §102) and 13 -16 (rejected under §103) to warrant particular treatment, and therefore, are rejected for similar reasons.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Coffy whose telephone number is (703) 305-0325. The examiner can normally be reached on 8:30 - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
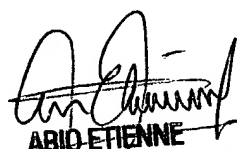
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direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

free).   Emmanuel Coffy

                                                               Patent Examiner
                                                               Art Unit 2157

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EC
Aug 11, 2004

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
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